

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1343 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? NO.

2. To be referred to the Reporter or not? NO.

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3. Whether Their Lordships wish to see the fair copy of the judgement? NO.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? NO.

5. Whether it is to be circulated to the Civil Judge? NO.

SHREE AMIT KUNDANLAL JOSHI

Versus

STATE OF GUJARAT

Appearance:

MR YS LAKHANI for Petitioner

MR SA PANDYA APP for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 29/04/98

ORAL JUDGEMENT

Petitioner who is the husband of the respondent No.2 has filed this application under Section 482 of the Code of Criminal Procedure, 1873, (to be referred to as " the Code "), to quash the complaint registered as

Cr.No.I-406/97 before Umra Police Station and which is registered as Criminal Case No.852/98 in the Court of learned Judicial Magistrate First Class, Surat, for the offence punishable under Sections 498 A, 506 (2), 114 and 504 of the Indian Penal Code. It may be stated that the petitioner and respondent No.2 had filed Special Criminal Application No.1472 of 1997 for issuance of writ of habeas corpus, but with the intervention of the learned advocates and relatives of the respective parties, consent terms came to be filed on 20-3-98. As per paragraph 5 of the said consent terms, both the parties i.e. petitioner and respondent No.2 have agreed to file Misc. Criminal Application under Section 482 of the Code before this Hon'ble Court for quashing and setting aside the proceedings of Criminal Cases respectively, which are pending before the UMRA Police Station at Surat and another one which is pending before the Gandhinagar J.M.F.C. The number of Complaints pending before UMRA Police Station is Crime Register No.I-406 of 1997 and the Criminal Case which is pending before the learned J.M.F.C., Gandhinagar is Crime Register No.II 216 of 1997. That both the parties have agreed that Criminal Complaints which came to be filed by petitioner Dr. Pinki Amit Joshi should be withdrawn.

3. In view of the consent terms arrived at between the parties, petitioner has filed this application to quash the complaint lodged by the respondent No.2 before Umra Police Station, bearing Cr. No. I-406/97 and which is numbered as Criminal Case No.852/98 in the Court of learned J.M.F.C., Surat. Respondent No.2 has personally remained present in the Court and has stated that she has no objection if the complaint is quashed with regard to all the accused arraigned in the F.I.R. In view of this statement made by respondent No.2, now nothing requires to be done in the Criminal Complaint which is numbered as Criminal Case No.852/98 in the Court of learned J.M.F.C., Surat.

4. As a result of the foregoing discussions, this application is allowed. The complaint lodged by the respondent No.2 against petitioner and 5 other persons which is registered as Criminal Case No. 852/98 in the Court of learned Judicial Magistrate First Class, Surat, for the offences punishable under Sections 498 A, 506 (2), 114 and 504 of IPC is quashed. Rule made absolute.

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